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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,660

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Jeffrey Jose Calderas

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11/09/2005

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EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,660

Applicant(s)

CALDERAS, JEFFREY JOSE

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☒ Claim(s) 14-18, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

The submission of amendment filed on 10/21/2005 is acknowledged. At this point claim 23 has been amended, claims 1-7, 20-22 have been canceled and the remaining claims left unchanged. Thus, claims 8-19 and 23-29 are at issue in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 19, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (US 2002/0149312).

Referring to Claim 8 Roberts et al. disclose (Fig.8) an arrangement of LEDs supported within the automotive lamp (page 1, [0007]) having a bezel [2601] with a dark surface for absorbing the light (page 4, [0057] and a lenses [2631] covering the arrangement of the LEDs, and a housing (page 8, [0084]). Roberts et al. also disclose a various colors of the LEDs. It is understood, that any desired colors of LEDs may be used in any desired arrangement, because do not change the functionality of the device and used for an aesthetic appearance only.

Referring to Claim 19 Roberts et al. disclose (Fig.8) a third array of the LEDs.

Referring to Claim 23 Roberts et al. disclose (Fig.8) an arrangement of LEDs supported within the automotive lamp (page 1, [0007]) having a bezel [2601] with a dark surface for

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absorbing the light (page 4, [0057]) and a lenses [2631] covering the arrangement of the LEDs, and a housing (page 8, [0084]). Roberts et al. also disclose a various colors of the LEDs. It is understood, that any desired colors of LEDs may be used in any desired arrangement, what is a matter of the design choice, because do not change the functionality of the device and used for an aesthetic appearance only.

The rear lamps of the vehicle are inherently disposed on the opposite sides of the vehicle. The center top light (CHMSL) (page 1, [0007]) inherently provides a red light illumination.

Referring to Claim 24 Roberts et al. disclose (Fig.8) a first and a second arrays of the LEDs that are extended vertically in adjacent columns on bezel [2601]. An array of CHMSL is inherently horizontally disposed.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the frame (second substrate) with the black mask in order to increase the visibility of the LEDs.

Claims 9-13, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (US 2002/0149312) in view of Gordon (US 6,220,733).

Referring to Claims 9, 13, 25 Roberts et al. disclose the instant claimed invention except for a passive reflector.

Gordon discloses a vehicle lighting system having a passive reflector to make vehicle more visible from the side (col.1, lines 35-44). Passive reflector inherently facing outwardly from the vehicle and may obtain any desired shape and location of mounting.

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Referring to Claims 10-12 Roberts et al. disclose (Fig.8) a first and a second arrays of the LEDs that are separate and extended vertically in adjacent columns on bezel [2601]. The break lights are inherently arranged outboard of each other.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the passive reflectors, as taught by Gordon, for the device of Roberts et al. for the purpose of detection of the vehicle in a dark.

Claims 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (US 2002/0149312) in view of Terao (US 5,172,972).

Roberts et al. disclose the instant claimed invention except for sidewardly facing LED positioned in a sidewardly facing portion of the bezel.

Terao discloses (Fig.1) sidewardly facing light source [101] positioned in a sidewardly facing portion of the bezel [3]. It is understood, that any type of the light source known in the art may be used for the device.

Since Roberts et al. disclose a plurality of the arrays of the LEDs, it will of course be understood, that any array may be used for sideward directed illumination by bending the bezel in a sideward direction.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the sidewardly facing LED, as taught by Terao, for the device of Roberts et al. in order to increase the visibility of the rear light.

Allowable Subject Matter

Claims 14-18, 28, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claims 14, 28, 29 the prior art of record fails to show the power supply having a first mode of a reduced duty cycle for illuminating the LEDs of the first array only as tail lights and having a second mode activated by braking system delivering current at a higher percentage of the duty cycle to the LEDs of the first array illuminating the LEDs of the first array more brightly to provide brake lights.

Claims 15-18 are objected as claims depended on claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 10/21/2005 have been fully considered but they are not persuasive.

Applicant argues, that Roberts et al. is not teaching of two different types of signals in one rear lighting assembly.

In response, since Roberts et al. state that LEDs may be used in arrays of up to 100 components in signaling system for a vehicle and a few arrays of the LEDs have common housing (Fig.8), it is absolutely obvious to use any desired array of LEDs to provide any desired type of the vehicle light by connecting each of arrays to the corresponding system of the vehicle (for example braking system).

Applicant argues, that Roberts et al. does not disclose a light surrounded by a bezel, which is mounted in a housing with a lens positioned over the bezel and over array of LEDs.

In response, the Examiner would like to direct the Examiner's attention to the fact, that bezel (*a groove or flange that holds* [Webster's II]) i.e. holder, is shown on Fig.8 of Roberts et al. with reference character [2601] and plurality of lenses [2631] arranged over the LEDs, as stated in a first Office Action. Also, Roberts et al. disclose that "*assembly shown in Fig.8 may also be disposed in a common housing*" (page 8, [0084]).

In addition, it is a common standard for the vehicles, well known in the art, that any type of lighting device has lens or cover to prevent damaging of the inner parts of the device.

Applicant argues, that Fig.8 of Roberts et al. disclose a headlamp.

In response, since the headlamp is one of the plurality of types of the vehicle's lighting devices, the Examiner does not see any serious reason why this lighting device cannot be used for another type of vehicle's light listed in paragraph [0007].

Applicant argues, that Roberts et al. do not disclose a pair of rear lamps disposed on opposite sides of the vehicle.

In response, it is well known in the art, that a pair of rear lamps disposed on opposite sides of the back of the vehicle is a common standard for all vehicles.

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Applicant argues, that Gordon discloses a passive reflector located on a vehicle wheel, but not in a rear lamp.

In response, since this reflector is used in order to increase visibility of the vehicle, it will of course be understood for those skilled in the art, that for the same reason this reflector may be located at any desired part of the vehicle, regardless to the purpose and structure of the part, and providing absolutely the same function: make the vehicle more visible (Gordon '733, col.1, lines 35-44).

Applicant argues, that Terao discloses an arrangement of incandescent rather than the claimed arrays of LEDs.

In response, the Terao reference is used for the arrangement of the plurality of the light sources only. It is clearly understood for those skilled in the art, that the light sources may obtain same arrangement regardless to the type, size, intensity, color or other characteristics of the light sources.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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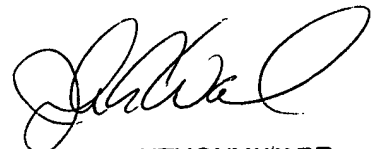
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
November 1, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER